

REMARKS/ARGUMENTS

In the most recent Office Action, claims 1-25 were examined. Claims 1-25 stand rejected. Accordingly, claims 1-25 are pending in the present application. No new matter is added.

Applicant thanks the Examiner for the thorough search and consideration of the present application, and responds to the comments in the Office Action as follows.

CLAIM REJECTIONS - 35 U.S.C. §112

The Office Action states that claims 3-5, 7-20 and 22-23 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. In particular, the Office Action states that the rejected claims contain terms that are vague or undefined. The rejection is respectfully traversed.

Claims 17 and 23 are canceled from the application, thereby rendering the rejection of those claims under 35 U.S.C. §112, second paragraph, moot.

Applicant has amended claims 1, 4, 6, 9, 11, 18-19, 21, 22, 24 and 25 to clarify the language of the claims and correct inferential references. Applicant respectfully believes that the claims now recite the particulars of the present invention with a reasonable degree of certainty so as to permit one of ordinary skill in the art to understand the scope of the invention claimed. Reconsideration of the rejection of claims 3-5, 7-16, 18-20 and 22 under 35 U.S.C. §112, second paragraph is respectfully requested.

CLAIM REJECTIONS - 35 U.S.C. §102

The Office Action states that claims 9-12, 15, 21-22 and 25 are rejected under 35 U.S.C. §102(b) as being anticipated by Artemi (U.S. Patent No. 5,584,455). In particular, the Office Action states that Artemi discloses all of the features recited in the rejected claims describing Applicant's invention. Applicant respectfully traverses the rejection.

Applicant submits that the claims rejected over Artemi recite claim limitations that are not disclosed by Artemi. For example, claims 9, 11 and 22 recite,

“said hook opening having a dimension sufficiently near a diameter of said rod to impede passage of said rod through said hook opening.”

Artemi fails to disclose this claim limitation. Indeed, the disclosure by Artemi fails to reference any characteristics of the hook opening at all. In addition, Applicant notes that the latch member shown in Figure 6 of the disclosure by Artemi is not used to impede passage of the rod when the hook is removed from the rod, but rather to retain the hook on the rod through operation of a latch. Accordingly, the disclosure by Artemi does not in fairness teach or disclose impeding the passage of the rod through the hook opening by limiting the hook opening dimension. Similarly, Artemi fails to teach modifying the hook opening by pivoting the hook so that a major axis is at an angle with an axis of the rod, as is recited in claim 25.

Applicant respectfully submits that, because the claims of the present application recite limitations that are not disclosed in the cited prior art reference of Artemi, the rejection of those claims under 35 U.S.C. §102(b) over Artemi is overcome, and respectfully requests that it be reconsidered and withdrawn.

The Office Action states that claims 1, 3, 6-7, 9-12, 15, 17 and 21-25 are rejected under 35 U.S.C. §102(b) as being anticipated by Cardenas (U.S. Patent No. D405,965). In particular, the Office Action states that Cardenas discloses all the features of the invention recited in the above rejected claims. Applicant respectfully traverses the rejection.

Claims 17 and 23 are canceled from the application, thereby rendering the rejection of those claims under 35 U.S.C. §112, second paragraph, moot.

Independent claims 1, 9, 11 and 21-22 recite an opening in the body portion of the garment hanger device that has a long dimension that extends transverse to a main axis of the device. This element is not taught by Cardenas. Instead, Cardenas appears to disclose an opening with a long dimension extending along a major axis of the hanger device, apparently suitable for serving as a hand grip to lift or transport the hanger device, strap and accompanying hanging garments, for example. The opening recited in claims 1, 9, 11 and 21-22 is specifically

sized and shaped to be generally matched to the size and shape of a strap threaded therethrough. Because the claims 1, 9, 11 and 21-22 recite at least one element that is not taught in the cited prior art reference of Cardenas, Applicant respectfully submits that the rejection of claims 1, 9, 11 and 21-22 under 35 U.S.C. §102(b) over Cardenas is overcome, and respectfully requests that it be reconsidered and withdrawn.

Claims 3, 6-7, 10, 12 and 15 ultimately depend from independent claims 1, 9 or 11, and should be allowable for the same reasons as the independent claims, and also because of the additional limitations recited in each of the dependent claims. Applicant therefore respectfully requests that the rejection of claims 3, 6-7, 10, 12 and 15 under 35 U.S.C. §102(b) over Cardenas be reconsidered and withdrawn.

The Office Action states that claims 1-16, 18 and 21-22 are rejected under 35 U.S.C. §102(b) as being anticipated by Hellinger et al. (U.S. Patent No. D205,257). In particular, the Office Action states that Hellinger discloses all the claimed features in the above rejected claims. The rejection is respectfully traversed.

Claims 1-8 and 11-16 recite a strap threaded through the opening or slot in the body portion of the garment hanger device. This element is not taught in the disclosure by Hellinger. In addition, claims 9-10, 18 and 22 recite a hook opening with a dimension sufficiently near to a diameter of a given rod to impede passage of the rod through the hook opening. This element is not contemplated or disclosed by Hellinger, since the device in Hellinger is apparently designed to be simply hung on a peg or rod having a smaller diameter than the hook opening taught by Hellinger. Because claims 9-10, 18 and 22 recite this element, Applicant respectfully submits that these claims are not anticipated by Hellinger under 35 U.S.C. §102(b), and respectfully request that the rejection be withdrawn. Regarding claim 21, Hellinger fail to disclose a slot with a size and shape generally matching that of a strap, as is recited in claim 21. Because claim 21 recites an element not taught in the cited prior art reference by Hellinger, Applicant respectfully submits that the rejection of claim 21 under 35 U.S.C. §102(b) over Hellinger is overcome, and respectfully requests that it be reconsidered and withdrawn.

The Office Action states that claims 1-9, 11-18 and 22-25 are rejected under 35 U.S.C. §102(b) as being anticipated by Kolton et al. (U.S. Patent No. 4,765,467). In particular, the

Office Action states that Kolton et al. disclose each and every element in the above rejected claims. The rejection is respectfully traversed.

Claims 17 and 23 are canceled from the application, thereby rendering the rejection of those claims under 35 U.S.C. §102(b) moot.

Claims 1-8, 11-16 and 19-20 recite a strap threaded through a slot, which Kolton et al. fails to disclose. The hanger disclosed by Kolton et al. is apparently for use with neckties and suspenders, and apparently illustrates how a tie can be suspended from a necktie hanging opening. Accordingly, because claims 1-8, 11-16 and 19-20 recite elements that are not disclosed by Kolton et al., Applicant respectfully submits that the rejection of those claims under 35 U.S.C. §102(b) over Kolton et al. is overcome, and respectfully requests that it be reconsidered and withdrawn. Claim 9 recites a hook opening with a dimension sufficiently near a diameter of a rod to impede passage of the rod through the hook opening. Kolton et al. appear to disclose a hanging device that is hung from a rod where the rod is projected into the device perpendicularly to a plane of the device. Accordingly, claim 9 recites at least one element that is not taught by Kolton et al. Applicant respectfully requests that the rejection of claims 9, 18 and 22 over the disclosure by Kolton et al. under 35 U.S.C. §102(b) be reconsidered and withdrawn. Claims 24 and 25 also particularly define the hook opening to have the rod slide into the hook opening at an angle, which Kolton et al. fail to disclose. Accordingly, Applicant respectfully requests that the rejection of claims 24 and 25 under 35 U.S.C. §102(b) over Kolton et al. be reconsidered and withdrawn.

CLAIM REJECTIONS - 35 U.S.C. §103

The Office Action states that claims 1, 3, 6 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Artemi in view of Cardenas. In particular, the Office Action states that while Artemi does not disclose a rectangular opening, the same is taught by Cardenas in an obvious combination to one of ordinary skill in the art. The rejection is respectfully traversed.

It is apparent in the disclosures by Artemi and Cardenas that the opening provided in the body portion of the hanger device permits the hanger device to be lifted with a person's hand, for

example (Artemi, claim 1; Cardenas, Figure 1). However, the present invention recited in claims 1, 3 and 6-7 calls for a slot in the body portion having a long dimension extending transverse to a longitudinal axis of the hanger device. The slot extending in a basically horizontal direction when the hanger device is upright is not taught or suggested by Artemi or Cardenas, either alone or in combination. Indeed, Artemi and Cardenas teach that any opening in a body portion should be acceptable for a manual carrying, which is opposite to the utility of the slot recited in claims 1, 3 and 6-7, where the slot simply has the strap threaded therethrough.

In addition, Applicant respectfully submits that it would not be obvious to combine the disclosures by Artemi and Cardenas to arrive at the present invention recited in claims 1, 3 and 6-7, because Artemi specifically calls for a curved upper internal surface of a ring used to carry the hanging device, while Cardenas shows a large rectangular opening suitable for an individual's hand to grasp the hanger support. If the hanger by Cardenas were combined with the device by Artemi, the result would either be the Artemi device with a large rectangular opening, or the Cardenas device with a small round opening, each of which combination would defeat the purpose for which the devices were intended. For example, Artemi calls for the hanger device to be carried by hand through the use of the ring having a curved upper internal surface. If the ring of Artemi were replaced with a rectangle, the device would apparently be less easy to carry, and not as suitable for carrying multiple garments supported in the strap. Likewise, the device by Cardenas with a small round opening would not permit the user to grasp the side of the hanger device as is apparently intended from the illustration in Figure 1 of Cardenas.

Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness, which would require that all the elements recited in claims 1, 3 and 6-7 be taught or suggested in the prior art references, either alone or in combination, is not satisfied and respectfully requests that the rejection of those claims under 35 U.S.C. §103(a) be reconsidered and withdrawn.

The Office Action states that claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Artemi in view of Cardenas and further in view of Smagula (U.S. Patent No. 4,874,100). In particular, the Office Action states that an adjustable loop device is shown by Smagula, which would have been obvious to combine with Artemi and Cardenas to arrive at the invention recited in claim 8. Applicant respectfully traverses the rejection.

Claim 8 depends upon claim 1, and includes all of the subject matter of claim 1, and therefore is believed to be patentable over the combination of Artemi and Cardenas, as is claim 1. In addition, Applicant respectfully submits that it would not be obvious to provide a loop adjustment member to the strap recited in claim 8. Neither Artemi nor Cardenas teach or suggest adjusting a loop of a strap for hanging garment hangers. Accordingly, a *prima facie* case of obviousness can only be established in accordance with MPEP §2142 if an adjustable loop in a garment hanger is knowledge that is readily available to one of ordinary skill in the art. However, no evidence has been presented to support such a proposition. Although the device by Smagula appears to show an adjustable belt, this belt is not used with a garment hanger, and is apparently attached directly to a rod. Although the Examiner states that it would have been obvious to one of ordinary skill in the art to provide the strap of Artemi with an adjustable belt, such a position apparently relies on the “obvious to try” test for obviousness, which is inappropriate to establish a *prima facie* case of obviousness. It is well known that “obvious to try” is not an appropriate standard for obviousness. Furthermore, all the cited prior art references, either alone or in combination, do not teach all of the elements recited in claim 8. Applicant therefore respectfully submits that a *prima facie* case of obviousness has not been established with respect to claim 8, and respectfully requests that the rejection of claim 8 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

The Office Action states that claims 2, 4-5 and 18-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Artemi in view of Cardenas and further in view of Erman (U.S. Patent No. 3,736,925). In particular, the Office Action states that although the combination of Artemi and Cardenas does not disclose a plurality of openings in a body portion with a plurality of loops in a strap, the same is taught by Erman in an obvious combination. The rejection is respectfully traversed.

The device disclosed by Erman provides no suggestion for a combination with Artemi or Cardenas to arrive at the present invention recited in claims 2, 4-5 and 18-20. Indeed, one of ordinary skill in the art, notwithstanding the disclosure by Erman, would still be at a loss as to how to arrive at the invention recited in claims 2, 4-5 and 18-20, even given the disclosures by Artemi and Cardenas. Moreover, claims 2 and 4-5 depend upon claim 1, and include all of the

subject matter of claim 1, which is thought to be patentable over the combination of Artemi and Cardenas. Furthermore, claims 18-20 no longer recite a plurality of openings in the garment hanger, thereby obviating the rejection based on the combination of Artemi, Cardenas and Erman.

Accordingly, Applicant respectfully submits that the rejection of claims 2, 4-5 and 18-20 under 35 U.S.C. §103(a) over the combination of Artemi, Cardenas and Erman, is overcome, and respectfully requests that it be reconsidered and withdrawn.

CONCLUSION

Applicant has studied the prior art references listed in the Examiner's search and respectfully believes that the present invention recited in claims 1-16, 18-22 and 24-25 are patentable over the disclosures of the references, either alone or in combination. Applicant further submits that the present response addresses all outstanding issues raised in the most recent Office Action. In view of the above amendments and discussion, Applicant respectfully submits that the application is now in condition for allowance, and earnestly solicits notice to that effect. If it is believed that the prosecution of the application would benefit from a telephonic discussion, the Examiner is urged to contact the undersigned counsel at the number provided below.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 2, 2004
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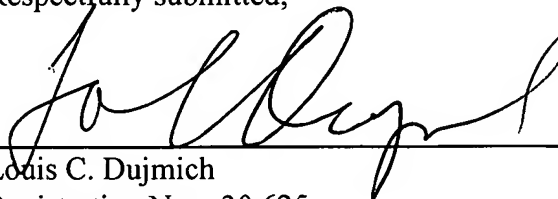
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Respectfully submitted,



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